

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**
Pittsburgh Division

IN RE: Thrower, Marlene

Case No. 2022601-CMB
Chapter 13

Adversary Proceeding 21-02060

The Bank of New York Mellon, f/k/a The Bank of New York as successor to JPMorgan Chase Bank, National Association, as Indenture Trustee for ABFS Mortgage Loan Trust 2001-2, Mortgage-Backed Pass -Through Certificates, Series 2001-2,
Defendant

Hearing Date: 1/25/2022

Hearing Time: 10:00 am

vs.

Thrower, Marlene,
Plaintiff

RESPONSE TO COMPLAINT TO DETERMINE SECURED STATUS

COMES NOW, The Bank of New York Mellon, f/k/a The Bank of New York as successor to JPMorgan Chase Bank, National Association, as Indenture Trustee for ABFS Mortgage Loan Trust 2001-2, Mortgage-Backed Pass -Through Certificates, Series 2001-2 (herein, "Respondent") by and through undersigned counsel, and herby responds to the Complaint to Determine Secured Status (Doc. 1) filed on June 16, 2021, and in support thereof, shows unto the Court as follows:

1. Admitted.

2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted in part and denied in part. It is admitted that the appraisal provided by the Plaintiff listed the appraised value at \$30,000.00. It is denied that the defendant agrees with this appraisal.

8. Admitted in part and denied in part. It is admitted that the Defendant secured lien is in the amount of \$193,721.47 as per the proof of claim filed. It is denied based solely on the appraisal provided by the Plaintiff that \$163,721.47 of defendant's claim is wholly unsecured.

9. Respondent does not have information necessary to admit or deny the averment in Paragraph 9. Strict proof is demanded at trial.

10. Respondent does not have information necessary to admit or deny the averment in Paragraph 10. Strict proof is demanded at trial.

11. Respondent does not have information necessary to admit or deny the averment in Paragraph 11. Strict proof is demanded at trial.

12. .

13. Denied. It is denied that the defendant does not obtain a secured lien on the property.

14. Admitted.

WHEREFORE, Defendant, The Bank of New York Mellon, f/k/a The Bank of New York as successor to JPMorgan Chase Bank, National Association, as Indenture

Trustee for ABFS Mortgage Loan Trust 2001-2, Mortgage-Backed Pass -Through Certificates, Series 2001-2, request that this court deny the secured status as stated by the Plaintiff .

/s/ Mario Hanyon

Mario Hanyon

(Bar No. 203993)

Attorney for Creditor

BROCK & SCOTT, PLLC

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Plaintiff

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and exact copy of the foregoing Response to Complaint to Determine Secured Status has been electronically served or mailed, postage prepaid on this day to the following:

MARLENE E. THROWER
PO BOX 17083
PITTSBURGH, PA 15221

RONDA J. WINNECOUR, ESQUIRE (TRUSTEE)
SUITE 3250, USX TOWER
600 GRANT STREET
PITTSBURGH, PA 15219

ALBERT G. REESE, JR., ESQUIRE

LAW OFFICE OF ALBERT G. REESE, JR.
640 RODI ROAD, 2ND FLOOR, SUITE 2
PITTSBURGH, PA 1523

OFFICE OF THE UNITED STATES TRUSTEE
LIBERTY CENTER.
1001 LIBERTY AVENUE, SUITE 970
PITTSBURGH, PA 15222

/s/ Mario Hanyon

Mario Hanyon
(Bar No. 203993)
Attorney for Creditor
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Plaintiff

ORDER

AND NOW, this day of , 2021, upon consideration of the
Plaintiff's Adversary Complaint, and the Response of **THE BANK OF NEW YORK MELLON
F/K/A THE BANK OF NEW YORK AS SUCCESSOR TO JPMORGAN CHASE BANK,
NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE FOR ABFS MORTGAGE
LOAN TRUST 2001-2, MORTGAGE BACKED PASS-THROUGH CERTIFICATES,
SERIES 2001-2**, and after hearing, it is hereby

ORDERED that the Adversary Complaint is is denied.

BY THE COURT:

CARLOTA M. BOHM
U.S. Bankruptcy Judge

MARLENE E. THROWER
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PITTSBURGH, PA 15221

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